

IN THE UNITED STATES DISTRICT COURT  
THE WESTERN DISTRICT OF WASHINGTON

DAWN LUI, an individual,

Plaintiff,

vs.

LOUIS DEJOY, Postmaster General of the  
United States Postal Service,

Defendant.

Case No.:

COMPLAINT FOR DAMAGES

JURY DEMAND

COMES NOW Plaintiff, Dawn Lui (“Plaintiff”), by and through her attorney, and  
alleges as follows:

**I. INTRODUCTION**

1.1 Plaintiff alleges complaints against Defendant, Louis DeJoy (“Defendant”), in his official  
capacity as Postmaster General of the United States Postal Service, for discrimination, hostile  
work environment, and retaliation pursuant to Title VII of the Civil Rights Act of 1964.

**II. PARTIES**

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Nolan Lim Law Firm, PS  
1111 Third Ave, Suite 1850  
Seattle, WA 98115  
Office: (206) 774-8874

2.1 Plaintiff is an individual residing in Lacey, WA who was employed by USPS in Shelton, Washington.

2.2 At the time of her downgrade, Plaintiff was the Postmaster of the Shelton, WA post office.

2.3 Defendant Louis DeJoy is the Postmaster General of USPS.

2.4 Defendant's jurisdiction is in Western Washington and the Defendant has availed itself of the benefits and protections of the laws of the State of Washington.

### III. JURISDICTION AND VENUE

3.1 Jurisdiction and venue are proper as all alleged acts took place in the Western District of Washington.

### IV. FACTS

#### A. Plaintiff's Employment with USPS.

4.1 Plaintiff is a 54-year-old female of Chinese national origin.

4.2 Plaintiff began her employment with USPS on October 3, 1992 as a Casual at the Olympia Post Office in Olympia, Washington. On September 6, 2014, Plaintiff became the Postmaster of Shelton Post Office.

4.3 Charles Roberts ("Mr. Roberts") was Plaintiff's direct supervisor at the Shelton Post Office.

4.4 Robert Davies ("Mr. Davies") was a Supervisor at the Shelton Post Office who was Plaintiff's subordinate. Mr. Davies is a white male who is approximately 46 years old.

#### B. Defendant Begins to Accuse Plaintiff of USPS Policy Violations.

4.5 On or around August 5, 2017, Plaintiff scheduled newly hired Rural Carrier, Robert Monroe ("Mr. Monroe"), for four days of training with Jody Rogers ("Ms. Rogers"). However, Ms. Rogers failed to train Mr. Monroe on the scheduled days and Mr. Monroe worked a route by

1 himself prior to completion of his training. Ms. Rogers then filed a grievance regarding Mr.  
2 Monroe working a route without completing his required training.

3 4.6 On November 15, 2017, Union State Representative Assistant, Renee Pitts (“Ms. Pitts”),  
4 filed a grievance accusing Plaintiff of violating national training guidelines because a city  
5 carrier was training a rural carrier. However, the District Manager, Darrell Stoke (“Mr.  
6 Stoke”), stated that a city carrier could train a rural carrier.

7 **C. Employees Mutually Agree to Work Rotating Relief Days.**

8 4.7 Around late 2014 and early 2015, Sherri Flansburgh approached Plaintiff and verbally  
9 informed her about a collective agreement between carriers to work a rotating shift on  
10 Saturdays. Plaintiff approved the carriers’ collective agreement.

11 4.8 On February 26, 2018, Ms. Rogers filed a “class action” grievance based on a verbal inquiry  
12 by one of the five carriers involved in the collective agreement, Dennis Curl (“Mr. Curl”).

13 4.9 On February 28, 2018, Plaintiff approached Mr. Curl to discuss the concerns. Mr. Curl  
14 explained that he inquired through Ms. Rogers about his relief day pay and that he did not  
15 want to file a grievance at the time.

16 **D. Defendant Removes Plaintiff from Shelton Post Office.**

17 4.10 On March 9, 2018, Carrier Jackie Laraby (“Ms. Laraby”) and two white employees made a  
18 grievance alleging that Plaintiff threw her clipboard on the ground and kicked parcels.  
19 Plaintiff denied the accusations. Ms. Laraby’s grievance was denied by Dean Jack. However,  
20 Ms. Pitts instructed Ms. Rogers, not to settle the grievance.

21 4.11 On March 14, 2018, Plaintiff was removed from her office based on the allegations made  
22 against her until around April 4, 2018. Mr. Roberts informed Plaintiff that he was sending her

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1 to Olympia Hub Station because USPS Postmasters were going to investigate the statements  
2 made against her.

3 4.12 Later that same day, Plaintiff requested to speak with District Manager Darrell Stoke  
4 regarding her removal to Olympia, but he declined to meet with her.

5 **E. Defendant Removes Plaintiff a Second Time.**

6 4.13 On April 24, 2018, Mr. Roberts told Plaintiff that District Manager Darrell Stoke and Alexis  
7 Delgado decided to remove her to the Bremerton Post Office during an Initial Management  
8 Inquiry Process (IMIP). Plaintiff remained in Bremerton and at home during the IMIP until  
9 July 20, 2018.

10 **F. Defendant Removes Plaintiff a Third Time and Continues to Create a Hostile Work**  
11 **Environment.**

12 4.14 On October 1, 2018, a verbal altercation between a Shelton Post Office employee and her  
13 husband occurred on the street. The employee's husband stated to Plaintiff that another  
14 Shelton Post Office male employee sexually harassed his wife. Plaintiff discussed the  
15 harassment allegation with the employee's husband.

16 4.15 On January 9, 2019, Plaintiff met with Ms. Pitts to discuss a harassment and workplace  
17 environment grievance that was filed in August 2018. In violation of USPS policy, the  
18 grievance was not signed by Plaintiff, but HR made it a live grievance and used it in  
19 Plaintiff's later proposed downgrade.

20 4.16 On April 8, 2019, Mr. Roberts instructed Plaintiff to report to Olympia for an investigative  
21 interview. That same day, Mr. Roberts sent Plaintiff to work at the Eatonville Post Office for  
22 a "Developmental Detail" where Plaintiff believed she was going to receive training.

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1 However, Plaintiff was not given an instructor and did not receive the training she expected  
2 from a Developmental Detail. Plaintiff remained in the Eatonville Post Office until July 8,  
3 2019.

4 4.17 From March 2018 through November 2019, Plaintiff became aware of rumors affecting her  
5 professional reputation through statements and inquiries of fellow USPS employees.

6 **G. Defendant Downgrades Plaintiff.**

7 4.18 On October 22, 2019, while Plaintiff was out of the country, Defendant issued Plaintiff a  
8 Notice of Proposed Downgrade. The Notice of Proposed Downgrade was based on the  
9 following three incidents: (1) Mr. Curl's relief day grievance; (2) Accusations of Plaintiff  
10 "throwing" and "kicking" items; and (3) Inviting an employee's husband into her office on  
11 the day of the verbal altercation.

12 4.19 Mr. Roberts did not agree with Plaintiff's downgrade and refused to sign. In violation of  
13 USPS policies, Postmaster William Clark ("Mr. Clark") signed off on Plaintiff's downgrade  
14 as a substitute supervisor.

15 4.20 On February 11, 2020, Plaintiff received a letter downgrading her from an EAS-21  
16 Postmaster to an EAS-18 Postmaster effective February 29, 2020.

17 4.21 In March 2020, when Plaintiff filed an appeal with the MSPB, she became aware that she  
18 had not received all the materials related to her downgrade at the time.

19 4.22 On November 14, 2019, during a phone call with Plaintiff, Mr. Roberts stated, "I shouldn't  
20 say this" then stated that the Shelton Post Office did not want a "smart Asian" as Postmaster.  
21 Mr. Roberts said Shelton "needed a male Postmaster to clean up the office".

1 4.23 After Plaintiff's downgrade, Mr. Davies became the new Officer in Charge of the Shelton  
2 Post Office. Mr. Davies was considered in charge of the Shelton office until a new  
3 Postmaster for Shelton was hired.

4 **V. ADMINISTRATIVE PROCEDURES**

5 5.1 On February 18, 2020, Plaintiff filed formal complaint number 4E-980-0014-20, EEOC Case  
6 No. 550-2020-00468X, with USPS EEO alleging discrimination, hostile work environment,  
7 and retaliation.

8 5.2 On or about March 9, 2020, filed an appeal with the Merit Systems Protection Board of a  
9 USPS decision to Downgrade Plaintiff's position as Postmaster EAS-18 at the Roy Office in  
10 Washington effective, February 29, 2020.

11 5.3 On or about November 13, 2020, Plaintiff received a decision from the Merit Systems  
12 Protection Board (MSPB) regarding her appeal. The MSPB decision became "final" on  
13 December 17, 2020.

14 **VI. CAUSES OF ACTION**

15 **FIRST CAUSE OF ACTION**

16 **(Discrimination Based on Race, National Origin, and Age under Title VII)**

17 6.1 Plaintiff incorporates and realleges paragraphs 1-5.2 as if fully set forth herein.

18 6.2 To establish a prima facie case of disparate treatment, Plaintiff must show that (1) he or she  
19 is a member of a protected class, (2) he or she qualified for the position, (3) he or she was  
20 subjected to adverse treatment, and (4) similarly situated individuals outside the protected  
21 class were treated more favorably.

22 6.3 Plaintiff is a 54 year-old female of Chinese national origin.

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6.4 Plaintiff was qualified for the position of Postmaster. Out of her total of 28 years employed with USPS, Plaintiff has worked as a Postmaster for 16 years.

6.5 USPS disciplined Plaintiff based on allegations made by white employees against Plaintiff despite her conflicting accounts of the incidents.

6.6 Defendant made their discriminatory motive clear when Mr. Roberts informed Plaintiff that Shelton did not want a “smart Asian” as Postmaster and that Shelton needed a male Postmaster to clean up the office.

6.7 Defendant also decided to not discipline or investigate a male employee, Glen Davies, who Plaintiff reported as potentially sexually harassing a female employee at USPS Roy Office.

6.8 Upon Plaintiff’s downgrade and removal to another Post Office, Plaintiff was replaced with a younger white male.

6.9 Defendant’s USPS staff continues to harass Plaintiff to this day by having potluck lunches celebrating the departure of Plaintiff from the office.

## **SECOND CAUSE OF ACTION**

### **(Hostile Work Environment under Title VII)**

6.10 Plaintiff incorporates and realleges paragraphs 1-6.7. as if fully set forth herein.

6.11 In order to establish a prima facie case for a hostile work environment, Plaintiff must show that (1) he or she was subjected to verbal or physical conduct based on race or sex, (2) the conduct was unwelcome, and (3) the conduct was sufficiently severe or pervasive to alter the conditions of the plaintiff’s employment and create an abusive work environment.

6.12 Since early 2018, Defendant's younger, male, non-Asian staff have made numerous accusations of misconduct against Plaintiff supported by little to no evidence and ignored conflicting evidence regarding Plaintiff's actions.

6.13 Defendant removed Plaintiff from her office multiple times within the span of one year based on the animus younger, male, non-Asian employees had towards Plaintiff.

6.14 Plaintiff faced embarrassing remarks and rumors that affected her professional reputation because of Defendant's actions.

6.15 Plaintiff did not welcome any of Defendant's conduct.

6.16 Defendant made their discriminatory motive clear when Mr. Roberts informed Plaintiff that Shelton did not want a "smart Asian" as Postmaster and that Shelton needed a male Postmaster to clean up the office.

6.17 Defendant replaced Plaintiff with a white male.

### **THIRD CAUSE OF ACTION**

#### **(Retaliation for Participating in Protected Activity under Title VII)**

6.18 Plaintiff incorporates and realleges paragraphs 1-6.12.

6.19 In order to establish a prima facie case of retaliation, Plaintiff must show that (1) he or she engaged in a protected activity, (2) his or her employer engaged in an adverse employment action, and (3) his or her employer had knowledge of the protected activity.

6.20 Plaintiff became involved in claims of workplace harassment in October of 2018 when it became known to her that a Male employee was potentially sexually harassing a female employee in the Roy, WA office.



6.21 Shortly after, Plaintiff was removed from Shelton and faced additional discipline because of her role in investigating sexual harassment.

6.22 Defendant then proposed Plaintiff's downgrade, and one of the reasons for the downgrade was Plaintiff's attempts to investigate workplace harassment claims reported to her by a USPS employee and her husband.

### **DAMAGES**

6.23 Defendant's violations of the law, described above and incorporated, proximately caused Plaintiff's damages, including but not limited to lost wages and benefits, and other economic losses, and emotional harm, including but not limited to the natural human emotions of distress, loss of enjoyment of life, humiliation, pain and suffering, personal indignity, embarrassment, fear, anxiety, and anguish, experienced and with reasonable probability of experience in the future, and other general damages.

### **VII. PRAYER FOR RELIEF**

WHEREFORE: Plaintiff prays for relief as follows:

7.1 An order declaring Defendant discriminated against Plaintiff based on Age, Sex, Race, and National Origin;

7.2 Damages for back pay, front pay, lost benefits, and all other economic losses proximately caused by Defendant;

7.3 Damages for pain and suffering, mental anguish, emotional distress, and humiliation;

7.4 Prejudgment interest in an amount to be proved at trial;

7.5 Reasonable attorney's fees and costs; and

7.6 Whatever further and additional relief the court shall deem just and equitable.

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1 7.7 An offset for the adverse tax consequences of the judgment.

2 7.8 The right to Amend the complaint to the proof offered at trial

3 Dated this January 11, 2021.

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5 */s/Nolan Lim*

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Nolan Lim, WSBA #36830  
7 Attorney for Plaintiff  
8 1111 Third Avenue, Suite 1850  
9 Seattle, WA 98101  
10 Office: (206) 774-8874  
11 nolanlim@nolanlimlaw.com  
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Seattle, WA 98115  
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